

Welwyn Hatfield Borough Council

Site: Ellenbrook Fields, Hatfield Business Park, Hatfield

Proposal: Outline application for large scale mixed use development including 1,100 new homes

Application number: 6/2018/2768/OUTLINE

Amendment to previous comments below

Date: 13/01/2020

Dear Planning

In relation to the additional information submitted in support of this application HMWT have the following comments to make.

Objection:

Full Defra metric not supplied, huge net loss shown in submitted metric summary, no mechanism for achieving this amount of compensation, the mitigation hierarchy has not been applied, unacceptable and significant loss to biodiversity. Application not consistent with NPPF.

This submission is in relation to the biodiversity impact assessment (BIA) summary supplied in August 2020 by BSG ecology. I will not repeat comments made in previous submission 10/12/2020 where not necessary to do so.

In order for a Defra metric calculation to be verified, it must be supplied in full. The submitted assessment is a summary and therefore not valid. No judgements can be made as to the accuracy of the habitat and condition assessment. The full spreadsheet must be supplied with evidenced justification for each line, which relate directly to a map, with land parcel areas listed.

Irrespective of this a huge net loss has been revealed – in contradiction of the original report. NPPF states that development should not be permitted if there is a net loss to biodiversity, as in this case. The BIA report states (1.12) that:

‘The Ecology chapter of the Environmental Statement for the Proposed Development has assumed that this level of off-site habitat creation will take place.’

This massive biodiversity offset requirement cannot be ‘assumed’. It must be proven that it can be delivered for this application can be approved. It must be appropriate to compensate for what is being lost and it must be of a better quality. It should also be noted that the Defra metric was not designed to be used for priority habitats as identified on this site, e.g. lowland meadow consistent with Local Wildlife Site criteria.

HMWT would also contend that the mitigation hierarchy has not been applied properly. The first step of this is to avoid impacts. In this case the significant,



Herts and
Middlesex

Grebe House
St Michael's Street
St Albans
Hertfordshire
AL3 4SN

Tel: (01727) 858901
Email: info@hmwt.org
www.hertswildlifetrust.org.uk

Chief Executive: Lesley Davies



Hertfordshire & Middlesex
Wildlife Trust Limited is registered
in England No 816710 at the
above address and is registered
as a charity under Registration No
239863. VAT No 366 9276 06

President
Sir Simon A Bowes Lyon, KCVO

as yet uncompensated impacts have not been compensated and so NPPF para 175 applies,

'175. When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;'

Mitigation or compensation might be appropriate for a modest loss of low-quality habitats, but not for such a massive loss of valuable habitat which is well placed in the ecological unit. So the mitigation hierarchy should apply and this application should be refused.

Finally, the complexity of the habitat has not been adequately considered. The matrix of mixed grassland, scrub and water bodies makes this site of increased importance, particularly for invertebrates. Its position in the ecological unit, close to other valuable habitat, means that it performs a vital connection in a living landscape which cannot readily be reproduced – even if such a compensation scheme had been considered in anything other than a speculative way.

In summary HMWT object fundamentally to this application which does not achieve a net gain to biodiversity, does not respect the mitigation hierarchy and does not conform with the requirements of NPPF.

Previous objection
Date: 10/12/2018

Dear Planning

Objection: Ecological impacts on areas consistent with Local Wildlife Site selection criteria have not been adequately compensated, impacts on whole site have not been informed by qualitative and quantitative assessment, and measurable net gain to biodiversity has not been demonstrated. Invertebrate survey has not been undertaken. Application should be withdrawn or refused until measurable net gain has been proven in accordance with NPPF, the emerging Welwyn Hatfield Local Plan, and BS 42020.

1. The ecological report has identified a large area of land that is consistent with the selection criteria for a local wildlife site in Hertfordshire – 'grazed area in central south of application site'. Two thirds of this area is proposed to be destroyed by this development. No justification against emerging local plan policies, quantification of impact using the DEFRA biodiversity impact assessment calculator, or measurable compensation has been proposed to offset these impacts. The emerging local plan states:

SADM 16

Local Wildlife Sites, other habitats, species and ecological assets of local importance, including ecological networks, woodland, orchards, protected trees and hedgerows and allotments, will be refused unless:

- *The mitigation hierarchy has been fully implemented to avoid, reduce and remediate and compensate direct and indirect adverse impacts; and*

- *The need for, and benefits of, the development outweigh the loss or harm*

12.16 *Proposed compensatory measures should be informed by both qualitative and quantitative assessments of biodiversity and ecological impacts.*

The revised NPPF (July 2018) states:

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value*
- d) minimising impacts on and providing net gains for biodiversity*

174. To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

175. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

BS 42020 states:

'8.1 Making decisions based on adequate information

The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:

h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'

The development and ecological information supplied must demonstrate consistency with these policies. At present it does not because it has not demonstrated how ecological impacts have been measurably assessed and compensated. The assessment that is provided is a subjective view, which

concludes that there is a significant net loss of this habitat. In order for a transparent, objective, quantitative and qualitative assessment to be made the DEFRA biodiversity assessment metric should be used (Warwickshire County Council BIA v 19). This will inform exactly how much compensatory habitat needs to be provided to demonstrate net gain and hence consistency with NPPF, BS 42020 and the emerging local plan.

2. The rest of the application site consists of habitats which are described as being of negligible importance for biodiversity. These habitats consist largely of scrub and species poor semi improved neutral grassland (NVC MG1 variants). These areas are large and no compensation is offered for their loss or their ecological value quantitatively or qualitatively assessed by reference to the DEFRA metric. The policy text above seeks to conserve and enhance 'biodiversity' leading to 'measurable net gains in biodiversity'. It does not seek only net gains in priority habitat or local wildlife sites as the text in this report suggests. The majority of our biodiversity occurs on habitats that are not priority habitat and it is these habitats that the DEFRA metric has been specifically designed to measure in order to achieve net gain.

It is ecologically illogical to suggest that the loss of five hectares of scrub with associated rough grassland – with all the ecological niches it provides particularly to invertebrates and birds – is ecologically neutral. This is not scientifically defensible and clearly contrary to policy. Similarly the uncompensated loss of the large tract of semi improved grassland at the north of the site (referred to as hay meadow to the north of site), cannot be considered to be ecologically neutral.

In order to justify statements claiming no net loss or net gain, impacts must be objectively measured by using the DEFRA metric. It should be noted that the northern hay meadow has seven of the eight species required to be consistent with selection as a local wildlife site. To suggest that it is therefore worthless is incorrect. It has substantial value due to its size, position in the ecological unit, structure and diversity, as evidenced by the species that occur there. Application of the metric will reveal this currently dismissed value.

The object of an ecological report submitted in support of a planning application should be to demonstrate how the proposals are capable of being consistent with NPPF and local planning policy. The ecological report should state, the objectively assessed value of what is there, how it will be affected by the proposal and how any negative impacts can be avoided, mitigated or compensated in order to achieve measurable net gain to biodiversity. Until this report utilises the DEFRA metric to assess net ecological impacts on habitats it cannot be considered to be consistent with national and emerging local policy and should be refused.

3. The huge and complex area of interface between scrub and semi-improved grassland of differing quality is likely to support a rich invertebrate community. This should be assessed through a suitable survey together with a qualitative and quantitative measurement of its value (e.g. Pantheon). This should then form the basis of what compensatory habitats will be required to be created when a measured assessment of habitat value has taken place.

If you wish to discuss any of these points please do not hesitate to get in touch.

Best wishes

Matt Dodds

Matt Dodds
Planning & Biodiversity Manager
Herts & Middlesex Wildlife Trust
Herts & Middlesex Wildlife Trust
Grebe House
St Michael's Street
St Albans
Hertfordshire
AL3 4SN

Tel: (01727) 858901 ext. 236

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